

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 459, 460, 461, 462, 472, 505,  
506, 507, 508 and 509 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA and  
MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?  
1 to 5 No

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MACHENDRANATH KRISHNAJI                      GAIKWAD

Versus

AMC

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Appearance:

1. LETTERS PATENT APPEAL Nos. 459 to 462 of 1998  
and 472 of 1998

Mr.H.M.Mehta, Senior counsel with Mr.Parikh for  
MR PB MAJMUDAR for Appellants

Mr.S.N.Shelat, learned Addl.Advocate General with  
MR RR MARSHALL for Respondent No. 1

2. LETTERS PATENT APPEAL Nos 505 to 509 of 1998

Mr.S.N.Shelat, learned Addl.Advocate General with  
MR RR MARSHALL for Appellants

Mr.H.M.Mehta, Senior counsel with Mr. Parikh for  
the respondents.

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CORAM : MR.JUSTICE M.R.CALLA and  
MR.JUSTICE J.R.VORA

Date of decision: 16/06/98

COMMON ORAL JUDGEMENT

Admit. Mr.S.N.Shelat accepts notice on behalf of the respondents in L.P.A.Nos.459, 460, 461, 462 and 472 of 1998 and Mr.H.M. Mehta accepts notice in rest of the Letters Patent Appeals on behalf of the respondents.

On the request of both the sides the matters are taken up right today for final disposal.

All these ten Letters Patent Appeals are directed against the judgment and order dated 16.3.98 passed in Special Civil Application Nos.9322 of 1997 and 1467 and 1368 of 1998. We find that the learned single Judge has given innocuous directions in para 12 of the judgment. The period of one month has already expired and, therefore, that question remains a question of academic importance only. The only grievance which has been raised by Mr. Mehta is that the learned single Judge has observed in the end of para 12 that the direction that, "These directions are not issued with a view to give the petitioners another round of litigation". In this regard it is clarified that as and when the authorities take a fresh decision, it will be open for the appellants in Letters Patent Appeal Nos.459, 460, 461, 462 and 472 of 1998 to agitate any grievance which they may find with the decision of the authorities and the period of one month, which was granted by the learned single Judge, would commence from today. It ofcourse goes without saying that the authorities while taking the decision afresh shall not be influenced by any of the observations made in the order dated 16.3.98 and it will be open for both the sides to raise all factual and legal contentions which may be available to them. The order of the learned single Judge stands modified accordingly and all these Letters Patent Appeals are disposed of as above.